

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINDA SPENCER,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, et
al.,

Defendant.

C21-548 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for voluntary dismissal of plaintiff's claims for outrage, violation of public policy, and intentional interference with business expectancy, docket no. 9, is DENIED. Rule 41(a)(2) does not permit voluntary withdrawal of individual claims against a defendant remaining in the case. Hells Canyon Pres. Council v. United States Forest Serv., 403 F.3d 683, 687 (9th Cir. 2005).¹

(2) Plaintiff's motion for remand, docket no. 11, is DENIED. Even if the claims for outrage, violation of public policy, and intentional interference with a business expectancy were dismissed, the Court would exercise its discretion to retain supplemental jurisdiction over the remaining claims. Carlsbad Tech., Inc. v. HIF Bio, Inc., 556 U.S. 635, 639 (2009) ("A district court's decision whether to exercise [supplemental]

¹ Instead, the proper procedure would have been for Plaintiff to have filed a motion for leave to amend under Rule 15. See Hells Canyon Pres. Council, 403 F.3d at 687–88.

1 jurisdiction after dismissing every claim over which it had original jurisdiction is purely
2 discretionary.”).

3 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

5 Dated this 2nd day of September, 2021.

6 Ravi Subramanian
7 Clerk

8 s/Gail Glass
9 Deputy Clerk